

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 859 of 2017**

Rashid Khan S/o late Amin Khan, aged about 74 years, retired Labour Welfare Officer, South Eastern Coalfields Ltd. R/o Ward No. 17, Junapara, Baikunthpur, PS & Tehsil Baikunthpur, District Korea (CG).

-----Applicant

Versus

State of Chhattisgarh Through Police Station Baikunthpur, District Korea (CG).

---- Respondent

For Applicant	:	Shri Manoj Paranjpe, Advocate.
For Respondent	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****28/11/2017**

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.239 of 2017 registered at Police Station Baikunthpur, Distt. Korea, for the offence punishable under Sections 354(b) and 294 IPC.
2. The allegation against the applicant as per prosecution is that, the applicant tried to outrage the modesty of the complainant.
3. According to the counsel for the applicant, the applicant has falsely been implicated in the case because of the property dispute which is there between the applicant and the complainant. He further submits that a case is pending consideration before the Civil Judge, Class II, Baikunthpur and where the present applicant has already got an order in his favour so far as injunction is concerned and therefore, to put pressure upon the applicant for settlement of the dispute, he has been falsely implicated in the case, and therefore he may be granted

anticipatory bail.

4. Counsel for the State however opposes the bail application and submits that it is a case where there is an allegation of outraging the modesty of the complainant in the open field and therefore there is no reason to disbelieve the statement of the complainant, and thus prayed for rejection of the bail application.
5. Having heard learned counsel for the parties and perusal of case diary particularly taking note of the civil dispute that is pending consideration before the court below and looking to the fact that there are series of litigations between the parties, this court is of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:
 1. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
 2. The accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 3. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 4. The applicant shall appear before the trial Court on each and

every date given to him by the said Court till disposal of the trial.

6. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge

inder